

REMARKS/ARGUMENTS

Claims 23-29, 31, 32, and 34-43 were pending in this application. All of the pending claims were rejected. By way of this paper, Claims 23, 25, 28-29, 34, 37-38, and 40 have been amended. Claim 44 was mistakenly canceled in the last amendment submitted by applicants, and has been resubmitted herein as new Claim 45.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Rejections – 35 U.S.C. § 112

Applicants have amended the independent claims to recite that the storage devices are provided by storage device providers. These claims no longer recite that service providers provide storage devices.

Claim Rejections – 35 U.S.C. § 103

The following response substantially repeats remarks made in applicant's amendment filed August 20, 2008.

Claim 23 contains several features not disclosed by the references of record. For example, claim 23 calls for allowing a user to order products using an order terminal “*associated with one of a plurality of business entities.*” The Office Action suggests that Reifel et al. teach this feature in column 3, lines 35-39, but a careful reading of that passage shows only that an image can be transferred from a camera to a computer or printer. The Examiner notes that column 5, lines 28-44 define the business relationship between the storage device providers (camera manufacturer) and the business entities (print houses). Accordingly, to meet the terms of claim 23 quoted above, the order terminal would have to be associated with one of the print houses. There is no disclosure in the references to that effect.

Claim 23 also calls for identifying the storage device provider “*by electronically reading a code stored on the portable digital storage device.*” Looking at column 11, line 50 through column 12, line 17 of Reifel; it is clear that the consumer creates a profile with the camera vendor (i.e., the claimed service provider) to be thereafter transferred to the print house. Accordingly, the references do not disclose the claimed feature of identifying the service provider *by electronically reading a code stored on the portable digital storage device.*

Claim 23 also calls for “displaying an order screen on the order terminal “*in response to reading the code stored on the portable digital storage device.*” The Examiner cites column 5, lines 11-19 and 28-44; and column 12, line 6 against this feature, but Applicants are unable to find any mention of a display process, and certainly not a display process that operates in response to reading a code stored on a storage device.

Assuming arguendo that the references might be capable of combination, there is at least one limitation in the invention set forth in claim 23 that is not disclosed by the references individually or in combination. The claims include the limitations of using an order terminal *associated with one of a plurality of business entities*; identifying the storage device provider *by electronically reading a code stored on the portable digital storage device*; and displaying an order screen on the order terminal “*in response to reading the code stored on the portable digital storage device.* The primary reference fails to disclose these claim elements. The secondary reference fails to disclose the information undisclosed by the primary reference.

Claim 25 depends from claim 23 and is patentable therewith.

Claim 26 depends from claim 23 and is patentable therewith. Further, claim 26 calls for a particular type of order terminal. The Examiner cites Reifel et al.’s camera kiosk 20 as such an order terminal, but it is clear that kiosk 20 is used to purchase cameras and not to order services from print house 25 (the business entity).

Claims 27, 28 and 29 depend from claim 23 and are patentable therewith.

Claim 34 contains features not disclosed by the references of record. For example, claim 34 calls for an order terminal “*associated with a merchant.*” The Office Action suggests that Reifel et al. teaches this feature in column 3, lines 35-39, but a careful reading of that passage shows only that an image can be transferred from a camera to a computer or printer. The Examiner notes that column 5, lines 28-44 define the business relationship between the storage device providers (camera manufacturer) and the merchant (print houses). Accordingly, to meet the terms of claim 23 quoted above, the order terminal would have to be associated with the merchant. There is no disclosure in the references to that effect.

Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the invention set forth in claim 23 that is not disclosed by the references individually or in combination. The claims include the limitations of using an order terminal “*associated with a merchant.*” The primary reference fails to disclose these claim elements. The secondary reference fails to disclose the information undisclosed by the primary reference.

Claims 37 - 41 depend from claim 34 and are patentable therewith.

Claim 45 sets forth a program storage device readable by machine, the storage device embodying instructions to perform the method steps of claim 23. Claim 23 defines limitations of using an order terminal *associated with one of a plurality of business entities*; identifying the storage device provider *by electronically reading a code stored on the portable digital storage device*; and displaying an order screen on the order terminal “*in response to reading the code stored on the portable digital storage device.*” The primary reference fails to disclose these claim elements. The secondary reference fails to disclose the information undisclosed by the primary reference. It is argued that since the references of record do not show the method steps of claim 23, then the references do not show a storage device embodying instructions to perform the method steps of claim 23.

CONCLUSION


It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

This Application is now believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company's, Deposit Account No. 05-0225.

Respectfully submitted,

By: 
Eugene I. Shkurko, Esq.
Patent Legal Staff
Registration No. 36,678

EIS:cvn
Attachment(s)
Telephone No.: (585) 253-0123
Facsimile No.: (585) 477-1148